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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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01/22/2004

Hisatoshi Yamauchi

032181

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38834

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08/25/2006

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EXAMINER

BRADEN, SHAWN M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (JP 2002321739 A) in view of Walch (USPN 6,776,300).

Mori discloses the invention substantially as claimed. However Mori does not disclose a back surface of the bottom of at least one of the folding containers is formed with a bottom fitting portion, wherein protruding portions are formed in respective corner areas of the bottom fitting portion, the protruding portions are fitted into respective fittings concave portions formed in the folding container below when the folding containers are assembled into a box shape and stacked on one another.

Walsh teaches a back surface of the bottom of at least one of the folding containers is formed with a bottom fitting portion (112), wherein protruding portions (92) are formed in respective corner areas of the bottom fitting portion (112), the protruding portions (92) are fitted into respective fittings concave portions (184) formed in the folding container below when the folding containers are assembled into a box shape and stacked on one another in the same field of endeavor for the purpose of nesting.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the protruding portions and corresponding concave portions

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as taught by Walsh to the container of Mori in order to increase stability upon stacking (col 12 ln. 10-25).

Response to Argument

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JES F. PASCUA
PRIMARY EXAMINER